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Comments in Response to

DRAFT Notice of Proposed Rulemaking

Prior to FAA submission
&
Prior to Federal Register publication

Submitted by the

Aeronautical Repair Station Association

ONE COPY BY FACSIMILE TRANSMISSION

MEMORANDUM

TO: Aviation Rulemaking Advisory Committee

FROM: Jason Dickstein

DATE: August 15, 1997

RE: Proposed Draft NPRM for Recordkeeping

The Aeronautical Repair Station Association (ARSA) submits these comments in reference to the Proposed Draft Notice of Proposed Rulemaking for recordkeeping that is being considered by the Aviation Rulemaking Advisory Committee.

1 GENERAL CONCERNS

.1 Some Costs May Outweigh the Benefits

The proposal would vastly increase the records that must be maintained and transferred with products and parts. While many of these records exist for products in today's market, most parts in today's market do not have the records that this proposal would require. The proposal would require manufacturers to create 'birth records' for new parts that provide an appropriate foundation for the new recordkeeping requirements; however this does not solve the problems associated with records for parts that are already in the marketplace.

Participants in the marketplace that possess such parts would be required to develop complete historical records on the parts in order to make them economically viable under the proposed system. In many cases, this would represent an onerous and perhaps impossible job of detective work. Certainly the research and investigation necessary to develop the records anticipated under this system would cost more than the value of many parts.

Under this proposed system, the only other alternative is to scrap all of these parts that do not have complete historical records. This would render a tremendous inventory of otherwise airworthy parts to be ineligible for installation and transfer.

.2 Maintenance Certificated Entities Would Lose Certain Privileges

Under the current system, it is possible for a repair station or mechanic to take a part that has no documentation and determine its airworthiness through inspection, test and computation. The precise method for doing this depends on the part and its airworthiness characteristics. In some non-critical applications, dimensional testing may be sufficient; in other cases, a full range of engineering computations, like metallurgical analysis and magnetic/fluorescent testing, may be necessary to accurately determine airworthiness. If the part is airworthy with respect to the intended use, then part 43 permits installation.

The proposed regulations would limit the ability of a repair station to transfer a product or part following maintenance unless that product or part bears appropriate historical documentation, regardless of the airworthiness of the part.

.3 Definitions

The draft proposal introduces a wide variety of new definitions. Many of these definitions will be useful to the industry; however, the draft spreads these definitions throughout the FARs, often repeating definitions in several different parts.

There is no reason not to place the definitions in section 1.1. This is the appropriate place for definitions unless there is a specific reason for making a definition applicable only to a particular part or subpart.

The recommended definitions found in proposed sections 21.7(c), 43.1(c), 91.2, and 119.3 should all be moved to section 1.1.

.4 Using the Term "Part" Instead of "Component Part"

The Federal Aviation Regulations use the term "part" to refer to a logical division within the regulations (e.g. Part 11 represents the FAA's general rulemaking procedures). To distinguish this usage from the items that make up products, the regulations have referred to "component parts." This longer term is used, rather than just using the term "parts," because using the term "part" to describe both of these concepts could lead to confusion in the regulations.

The draft proposes to replace the term "component parts" with the phrase "components and parts." The preambulatory explanation for this change is that

component and part are distinguished in the industry. Nonetheless, they are not distinguished in the regulations. As a consequence, there is no sound regulatory reason for distinguishing "components" from "parts," so this regulatory distinction should not be made. The term "component parts" should remain and, if necessary, this term should be better described through a definition in section 1.1.

2 SPECIFIC CONCERNS, BY FAR SECTION

.1 **new section 21.7(a)(1)** - This new section would require that all products and parts must be serialized, including all parts manufactured under approved processes. Many non-life limited parts today are not serialized. There is no regulatory requirement to serialize these parts because there is no safety justification for serialization. As there is regulatory requirement to serialize all parts, the requirement to record a serial number should be modified to apply only to serialized parts.

.2 **new section 21.7(a)(3)** - This new section would require that the manufacturer track all airworthiness directives (ADs) that could be applicable to the part. Some parts are eligible for installation in more than one place, or in more than one type of aircraft. If the part is subject to one AD in one installation and to a different AD in another installation then each would have to be separately referenced by the documentation. This would be onerous and confusing. It would also be difficult to track for parts because ADs are issued against products and appliances, and not against parts. This AD tracking requirement under 21.7 should only be applied to products and appliances.

.3 **amendment to 43.5** - The current version of this section does not include component parts. The proposal includes both components and parts. 14 C.F.R. § 43.5 directs the person performing maintenance to record changes in operating limitations as prescribed in 14 C.F.R. § 91.9. If the final "product" installation of the part is unknown, then it may be impossible to know whether the maintenance causes changes in operating limitations. It is also likely to be impossible to make the required record in the operating limitations to the extent that this provision is extended to parts. Therefore this section should not reference "components or parts."

.4 **amendment to 43.7(d)** - The proposal would provide manufacturers with the authority to approve for return to service after repair; however manufacturers do not have the authority to perform a repair under 14 C.F.R. § 43.3(j) - only rebuild or alteration. There is inspection authority (which is not the same as repair) under 43.3(j)(3); therefore it may be appropriate to permit a manufacturer to approve an

item for return to service following rebuild, alteration or successful inspection pursuant to section 43.3(j)(3).

.5 **amendment to 43.7(e)** - The proposal would permit a holder of a Part 119 certificate to approve a product or part for return to service. Part 119 does not authorize performance of maintenance by a certificate holder, so this subsection should not permit the 119 certificate holder to approve for return for service following maintenance.

.6 **new subsection 43.9(a)(2)** - The proposed language includes a list of species of maintenance and directs the type of information that must be retained in the records reflecting such maintenance. The description of information to be kept under the proposal is specific as to certain functions and lacking as to others. This runs the risk of being inapplicable to special cases of maintenance that may require reference to alternate records in order to be accurate and useful; it also provides insufficient comparable guidance for non-listed species of maintenance.

This proposed language is more appropriate to an Advisory Circular (AC) than to a regulation. If it is to be published in an AC, then it should also be redrafted to make it clear that each of the subsections that describe a form of maintenance provides only an example of information that shall be included in the event that the maintenance or alteration performed is described by one or more of these subsections; the "as applicable" header language is both insufficient and confusing.

The solution to our immediate problem, what to do with the 43.9 regulatory language, is to replace the proposed 43.9(a)(2) in its entirety with the following text:

A description of work performed, and a reference to data acceptable to or approved by the Administrator.

.7 **new subsection 43.9(b)** - The proposal would add a section that directs compliance with appendix B. This provision is redundant and should be omitted. It adds nothing that does not already exist in appendix B.

.8 **amendment to subsection 43.9(c)** - This proposed exclusion for inspection records would include part 121, which is not currently included, and all of part 135 (currently only certain inspections are addressed). In the current form, holders of certificates issued under Parts 121 and 135 are only excluded from compliance with 14 C.F.R. § 43.9 if they have continuous airworthiness maintenance programs under their certificates - the proposal would exclude the inspections conducted by these certificate holders from section 43.9 even if they did not have continuous airworthiness maintenance programs. Also, holders of certificates issued under Parts 121 and 135 with continuous airworthiness maintenance programs are currently excluded from 43.9 because their own approved recordkeeping systems

are sufficient. The proposal would only exclude them for purposes of inspections, but not other maintenance - there is no safety justification for this change.

.9 **amendment to 43.11(a)** - Air carriers holding certificates issued under parts 121 and 129 are currently excluded from compliance with 14 C.F.R. § 43.11. The proposal would require them to comply with section 43.11. Note that Part 43 is not applicable to aircraft operated under Part 129 (except certain aircraft operated under section 129(b)); as a consequence, this change should not be made unless the applicability statement of part 43 is to be comparably amended.

.10 **amendment to 43.15(a)** - Air carriers holding certificates issued under parts 121 and 129 are currently excluded from compliance with 14 C.F.R. § 43.15. The proposal would require them to follow the inspection program for the aircraft. It should be made clear that the FAA interprets "inspection program for the aircraft" to mean the air carrier's inspection program, as opposed to the manufacturer's. Note that Part 43 is not applicable to aircraft operated under Part 129 (except certain aircraft operated under section 129(b)); as a consequence, this proposed change should not be made unless the applicability statement of part 43 is to be comparably amended.

.11 **amendment to 43.16** - Air carriers holding certificates issued under part 129 are currently excluded from compliance with 14 C.F.R. § 43.16. That section requires performance of all maintenance according to instructions published either in the Instructions for Continued Airworthiness or the carrier's approved operating specifications. The proposal would require them to follow the inspection program for the aircraft. It should be made clear that the FAA interprets "inspection program for the aircraft" to mean the air carrier's inspection program, as opposed to the manufacturer's. Note that Part 43 is not applicable to aircraft operated under Part 129 (except certain aircraft operated under section 129(b)); as a consequence, this proposed change should not be made unless the applicability statement of part 43 is to be comparably amended.

.12 **amendment to Part 43 Appendix Bx(a)(2)** - The present version of this provision requires that the duplicate 337 be provided to the owner of the part or product. The proposal would permit the mechanic or air agency to provide that information to the owner or operator. In some cases, where the operator bears contractual responsibility for maintenance, it may be burdensome for the mechanic or air agency to identify the owner. The mechanic or air agency may not realize that the operator is not the owner. This appears to be a sound change - by permitting the mechanic or air agency to provide the duplicate 337 to the operator with which it is conducting business, this rule change will facilitate appropriate recordkeeping while

eliminating a potentially burdensome or confusing requirement to provide the duplicate 337 to the owner.

.13 **amendment to section 91.401** - Under current regulations, those who hold certificates issued under parts 121, 129, or 135 do not need to comply with the recordkeeping requirements of 14 C.F.R. § 91.417, nor the transfer of maintenance record requirements of 14 C.F.R. § 91.419. The proposed changes would make those two sections applicable to the above-listed certificate holders. Under current regulations, these certificate holders must comply with the transponder test requirements of 14 C.F.R. § 91.413, and they must periodically test their emergency locator transmitters. The proposed changes would change these requirements such that no transponder test nor ELT test would be required by Part 91 for such certificate holders, as long as they had a continuous maintenance program. This appears to remove the regulatory basis for performing such tests according to the FAR standards, which means that a continuous maintenance program could be certificated with much less stringent standards.

.14 **amendment to 91.417** - Subsection (a)(9) would require the owner or operator of an aircraft, airframe, aircraft engine, propeller, appliance, component, or part to maintain the current status of applicable airworthiness directives for each aircraft, airframe, aircraft engine, propeller, appliance, component, or part. An airworthiness directive may only be applied against an aircraft, aircraft engine, propeller or appliance. See 14 C.F.R. 39.1. Therefore, this new language should be limited to only apply to records kept on an aircraft, aircraft engine, propeller or appliance.

.15 **amendment to 91.417** - subsection (a)(12) would require the owner or operator of a product or part to maintain evidence indicating that the product or part has been produced pursuant to a certificate, approval, or authorization provided by the Administrator. There is no regulatory requirement imposed on the owner or operator to possess an "approved" product or part; therefore it does not make sense to require a record of such.

.16 **amendment to 91.417** - subsection (c) would require the owner or operator who receives a discrepancy list to retain that list with the aircraft records until the discrepancies are repaired. Repair is not the only possible resolution to a discrepancy. This language should be reworded to reflect this. A solution would be to replace the word "repaired" with the word "corrected":

Each owner or operator who receives a list of discrepancies furnished under Section 43.11(b) of this chapter must retain a list of these discrepancies until the discrepancies are corrected and the aircraft is

approved for return to service, or until the aircraft and the list of discrepancies is transferred.

.17 **amendment to 91.419** - proposed subsection (c) would requires owner and operators who transfer an aircraft, airframe, aircraft engine, propeller, appliance, component, or part for the purpose of maintenance, preventive maintenance, rebuilding, or alteration to concurrently transfer information sufficient to ensure completion of the work to be performed. No document transferred to the repair station will "ensure" completion of the work performed. The word "ensure" should be changed to "support":

Each owner or operator who transfers an aircraft, airframe, aircraft engine, propeller, appliance, component, or part for the purpose of maintenance, preventive maintenance, rebuilding, or alteration must concurrently transfer information sufficient to support completion of the work to be performed.

.18 **new section 91.425** - proposed subsection (b) would make commission of an offense listed in this section punishable against airman certificates and air agency certificates. Part 91 is not applicable to airmen nor to air agencies. Further, this expanded applicability is redundant of existing 14 C.F.R. § 43.12(b). This language should be limited only to the scope of applicability of part 91.

The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking any applicable aircraft operation certificate held by that person.

.19 **amendment to 129.14** - Proposed subsection (a)(2) would require a review of records to assure compliance with 14 C.F.R. § 91.420. Part 129 permits operation of foreign registered aircraft. 91.401(a) makes Subpart E of Part 91 generally applicable only to aircraft registered in the United States. Therefore, many Part 129 aircraft will not be subject to Part 91's maintenance requirements. Since the aircraft are not subject to the requirements of 14 C.F.R. § 91.420, it does not make sense to review records for compliance to that section.

.20 **new section 145.65** - Proposed subsection (b) would require any repair station that keeps records in an electronic recordkeeping system to make all of those records available to the FAA and to the NTSB. To maximize the efficiency of an electronic recordkeeping system, the repair station is likely to want to include commercial data that falls outside the FAA's regulatory scope. It is easy to design report formats that will permit the viewing of the regulatory data by FAA personnel while protecting the commercial data from FAA inspection. To protect the repair

station confidential commercial and financial information as well as its proprietary data, the requirement to make records available to the FAA should be limited only to those records required to be kept under the Federal Aviation regulations.

Further, the NTSB does not have an absolute right to examine repair station records. The NTSB's investigative power is limited to records related to an accident investigation under chapter 11 of title 49, United States Code. The repair station's regulatory obligation to provide records to the NTSB should be no greater than the NTSB's statutory right to the records. The following language may represent an acceptable substitute.

Each repair station must, upon request, make the maintenance records that are required to be kept under this part and that are contained in the electronic recordkeeping system available to the Administrator or if the records are related to an accident investigation conducted under 49 U.S.C. chapter 11, then to any authorized representative of the National Transportation Safety Board.

.21 **new section 145.67** - Proposed subsection (a)(1) would require that the repair station transfer the records specified in section 91.417(a), (b), (c), (d), and (g) to the receiving owner or operator. Many parts currently "in the system" do not bear these historical records. Some parts that are produced after the new rule is implemented will not necessarily bear this documentation, like standard parts and commercial parts. Further, if the repair station does not receive the product or part from a certificated entity (e.g. receipt from a distributor), the product or part may not bear all of these records. It would be overly burdensome to require repair stations to develop these records. This subsection should be removed from the draft.

.22 **new section 145.67** - Proposed subsection (a)(2) would require that the repair station provide a basis for any decision not to approve an item for return to service. A repair station does not need a basis for a decision to refrain from approving an item for return to service. The decision to refrain from performing work may be purely a business decision, that falls outside of the FAA's safety jurisdiction. This subsection should be removed from the draft.

.23 **new section 145.67** - Proposed subsection (a)(3) would require that the repair station certify the authenticity of the information contained in any records required to be transferred. Where the repair station has received the records from a third party and has not prepared them itself, the repair station has no basis upon which to certify the authenticity of the records. It would be impossible for a repair station to certify to the authenticity of records it had not prepared. This subsection should be removed from the draft.

.24 **new section 145.67** - Proposed subsection (b) would require a repair station that transfers a product or part for the purpose of maintenance, preventive maintenance, or alteration to concurrently transfer information sufficient to ensure completion of the work to be performed. No document transferred to the repair station will "ensure" completion of the work performed. The word "ensure" should be changed to "support."

A repair station that transfers an aircraft, airframe, aircraft engine, propeller, appliance, component, or part for the purpose of maintenance, preventive maintenance, or alteration must concurrently transfer information sufficient to support completion of the work to be performed.

.25 **new section 145.69** - Proposed subsection (a) would require that a repair station obtain copies of the records prepared pursuant to 14 C.F.R. § 21.7 when it acquires a product or part from a manufacturer. Some manufacturers may act as parts distributors as well. Such a manufacturer may not have complete 21.7 information for parts that it did not fabricate, especially if the parts were fabricated before the implementation date of the new rule. This subsection should be limited to circumstances where the manufacturer that is transferring the product or part actually fabricated the product or part.

.26 **new section 145.69** - Proposed subsection (b) would require that the repair station obtain certain records at the time it accepts any product or part that is approved for return to service. Certain parts in the aviation industry will have been approved for return to service before the implementation date of these changes in this proposed recordkeeping rule. These parts are unlikely to bear the appropriate documentation required by the proposed rule change. This could have a devastating effect on the value of certain parts inventories. This subsection should be removed from the draft, or it should be limited to parts that were manufactured after a certain record date (such as the implementation date of the rule).

.27 **new section 145.69** - Proposed subsection (c) would require that the repair station obtain a basis for any transferor's decision not to approve an item for return to service. No party needs a basis for a decision to refrain from approving an item for return to service. The decision to refrain from performing work may be purely a business decision, that falls outside of the FAA's safety jurisdiction. This subsection should be removed from the draft.

.28 **new section 145.69** - Proposed subsection (d) would require a repair station that receives a product or part for the purpose of maintenance, preventive maintenance or alteration to concurrently transfer information sufficient to ensure completion of the work to be performed. No document transferred to the repair station will

"ensure" completion of the work performed. The word "ensure" should be changed to "support."

A repair station that receives an aircraft, airframe, aircraft engine, propeller, appliance, component, or part, for the purpose of performing maintenance, preventive maintenance, or alteration must ensure the receipt of the records sufficient to support completion of the work to be performed.

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RAA

FAX TRANSMITTAL SHEET

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THIS FAX CONSISTS OF 5 PAGES

SUBJECT: **PROPOSED ARAC RECORDKEEPING RULE**

The following comments express the RAA's analysis and recommendations on the proposed recordkeeping rule:

In evaluating this NPRM, I looked for the safety benefit that this rule would provide and if that was not present, then I for any other remedial feature such as making the existing rule more understandable. I did not find any safety benefit nor did I find the NPRM to be more understandable than the current rulemaking.

Obviously all regulations should provide a safety benefit since the FAA routinely fine people/companies or revoke their license for violating the regulations. Requirements that are not specifically related to safety or are administrative in nature (e.g. rules that are helpful to the FAA in conducting surveillance actions) should first be addressed by revising commercial contracts and FAA advisory materials before rulemaking changes are considered.

NPRM has No Safety Benefit:

AVIATION DAILY, June 18, 1997

> *FAA said it plans to fine FedEx $187,500 for "failure to properly maintain records for 21 aircraft engines". FAA said an audit showed the JT8D engines were not in the carrier's computerized records management system, which tracks time takeoffs, landings and maintenance schedules. FAA said that for three engines, FedEX "lacked documentation regarding compliance with airworthiness directives, the time of last required overhaul and status of life-limited parts."*

The stated justification of the subject NPRM focused on the ability to facilitate (i.e. make easier) the transfer of aircraft but that is more an economic issue than a safety issue. Under the existing rules, if the seller (or lessee) transfers the aircraft and the pertinent records for AD's, major structural repairs,

etc. are not available, the seller must conduct whatever conformity inspections are needed in order to satisfy the FAA that the aircraft is airworthy. This process has shown to be extremely effective in preventing unairworthy aircraft into operation. Are the existing rules on the book insufficient such that the FAA cannot determine from existing records that the aircraft is unsafe? The above Aviation Daily quote would lead you to believe that the FAA has adequate rulemaking now. **Nothing was stated in the NPRM for us to conclude that current regulations are inadequate.** If the seller now has more records does that provide the buyer the opportunity to conduct less inspections to determine the condition of the airplane? That may be a benefit to the buyer but again that is simply a contractual issue that can be resolved in most cases by thorough conformity inspections. If the Aloha accident taught our industry one thing, it is that aircraft records are no guarantee of an airplane's condition.

NPRM is Not Harmonized

Adoption of the proposed rule will only impose additional obligations on U.S. operators. Many aircraft are transferred from operators/owners in other countries. Nothing was mentioned in the supplementary information to suggest that the proposed rule had been harmonized. If the (foreign) operator holds a FAA-approved FAR Part 129 maintenance program, that approval includes the records requirements of International Civil Aviation Organization (ICAO) Annex 6. Currently the FAA accepts the records of an aircraft purchased from a foreign operator if the operator's records are in compliance with the ICAO requirements and an operator certified record of current status. The proposed rule makes no mention of ICAO Annex 6. Operators from other countries will be unaffected by the adoption of this rulemaking to the economic detriment of U.S. operators and manufacturers.

NPRM is Not Cost Justified

Since the cost-benefit analysis was not provided, RAA assumes that the savings to industry that have been touted at the various briefing session are based upon the ability to digitize the recordkeeping data. RAA submits that the majority of changes provided in the NPRM are not necessary in order for the FAA to approve the conversion of paper to a digital data process. The NPRM states often that operators can continue to maintain paper records if they so choose. The NPRM's cost justification should therefore not be based on savings from converting to digital data process when it is considered as an **option.**

NPRM does Not Clarify the Existing Rule:

If the proposed rule will not improve on safety and is not harmonized, will it then make the existing rules on recordkeeping more understandable? The fact that the NPRM is 220 pages long is not a good indication. Specific comments on where the NPRM is confusing are provided below.

RAA Supports Conversion to Digital Data

RAA supports rulemaking that provide operators the ability to convert maintenance records to a digital data process as an option and suggest that ARAC separate these provisions of the NPRM from the document so the FAA can process such changes as a Miscellaneous Amendment. The FAA did this for manual requirements rule [FAR 121.133(b)]. This rule used to say that the manuals had to be in either paper or microfilm and they simply added the phrase "or other form acceptable to the Administrator. The FAA is proceeding with a conversion of Operation Specification paragraphs to a digital format for operators without any rulemaking changes being considered. In the Ops Spec

conversion program, the FAA is working with ARINC to provide the needed requirements for acceptance of a digital signature. Other ARAC groups have developed Advisory Circulars which could easily be converted to support a simple rulemaking change to provide for maintenance records in either paper or digital data formats.

COMMENTS ON SPECIFIC PROVISIONS

Section 21.7

(1) The FAA recently proposed a TSO for fasteners and will shortly propose other TSO's for seals and bearings. Presently the only category of parts that do not have direct FAA oversight are "standard parts". The ARAC Production Certification Issue group is working on a definition to account for some other parts by creating a "commercial part" category. This definition is not yet recognized by the FAA however. The FAA may in fact create many more TSO's to account for other proprietary parts that are routinely used on aircraft. If the NPRM is adopted in its current form it will impose the recordkeeping requirements for the millions of fasteners, seals, bearings, etc. that are used on aircraft and are scheduled to become TSO'd parts. The proposed language that distinguishes part from component leaves us no room to duck the issue. SECTION 21.7 SHOULD NOT BE REVISED UNTIL THE APPROVED PARTS ISSUE IS RESOLVED.

(2) "Part": The current term "component part" may be somewhat confusing but the distinction between component and part is no less confusing. The definition of part "one piece or two or more pieces that are joined together..." sounds like a component. What about a fire extinguishing bottle? Is it a part or component? The bottle may be several parts that are welded together. When you test the bottle you saw the neck off but reweld it back on after the test. It seems more accurate to state that a part is a part when it is identified by the manufacturer as a part; Similarly a component is a component when the manufacturer identifies it as a component. A rulemaking definition that distinguishes between parts and components serves no useful purpose. THE CURRENT TERM "COMPONENT PART" SEEMS WELL UNDERSTOOD AND SHOULD NOT BE CHANGED UNLESS SOMEONE COMES UP WITH A BETTER TERM.

(3) "Applicable Standard": The term "Applicable Standard" is too broad in meaning to be used as a unique term. All the regulations are referenced as "standards" and the adjective "applicable" does not narrow its meaning. Even the proposed definition is confusing. What the working group seems to be concerned about is to make sure that the unit of (interval) measurement does not change in mid-stream. It would be clearer to simply state the document that specifies the interval. For example, proposed 21.7 (a)(3) (iv) states:

The total time-in-service of the item to which the airworthiness directive applies when the required action was accomplished, as expressed by each applicable standard, if required by the airworthiness directive.

Why not simply state: *If additional actions are required, the measured interval since accomplishment of the required action, as expressed in the interval specified by the airworthiness directive.* In defining "*applicable standard*", the term "approved or acceptable to the Administrator" is simply a catch all phrase and does little to assist the reader in defining the term. *APPLICABLE STANDARD* IS AN AWKWARD TERM AND SHOULD NOT BE USED.

Sections 43.1 through 43.11

See comments on "component" and "part" in (Section 21.7); see comments on "English language" in Section 91.417; see comments on reference to a part's "name, number, and serial number and work order number" in Section 91.417.

Section 91.417

The phase- in period for compliance with these rules is stated only for (a)(6); yet other provisions go beyond what is now required. The Section-by-Section Analysis comments indicate that the phase-in period for compliance is as of the effective date. This of course is unacceptable since every owner/operator would be in non-compliance if it were adopted today. An analysis needs to be done to determine how much time owner/operators need to be in compliance with the provisions.

(a)(5), (6), (7) The terms time-in-service, specified time basis, etc. contradict with the term "each applicable standard" if the interval is expressed in cycles.

(a)(6) This should be part of (a)(5). The use of the word "history" is inappropriate in rulemaking. It is too board in scope. If (a)(6) were made part of (a)(5), it should be (a)(5)(iii) and read "A record of any action that has altered the life limit of the part." . What does the phrase "changed the parameters" add that is not provided by term "altered"?

(a)(12) This provision seems to be a catch-all provision that accounts for anything beyond those records required by (a)(1) thru (a)(11). The summary of this provision seems to exempt part 91 operation but it doesn't state that in the rule. Would this be applicable to accomplishment of a minor repair outside of a scheduled letter check? For example what about a minor repair in which a certain fastener is replaced. When this fastener is installed on an airplane, does this provision require that an operator keep the purchase records **on the fastener** until the aircraft is transferred? The requirements of (a)(12) plus (b)(4) seem to require that procurement records be kept on any change to the airplane. The reader needs to know what (a)(12) affects . If it is simply that owner/operators should use only approved parts, then the proposed provision is redundant. The use of the word "evidence" is inappropriate for this type of rulemaking. It is simply too broad in scope. The Section-by Section Analysis section seems to indicate that the part's acceptance documents would constitute acceptable "evidence". If that is the case then simply state it. The "parts" issue alluded to under Section 23.7 regarding fasteners, seals and bearings creates confusion for this requirement as well. Even under the current "approved" parts confusion, propriatary fastener installed on aircraft and purchased directly from a non-PMA source is considered an approved part (at least by the operators).

Placing maintenance records requirements for everyone (91, 121, 135, etc.) into one provision may have been a good idea at the beginning but it is very confusing to determine what records are needed to be kept for each type of operation. You should not have to rely on the preamble in order to determine what records need to be kept.

(b)(3) &(4) Records in the English language:

The proposed requirement to have all the records in English will certainly make the records more understandable but this mean that an aircraft purchased from a foreign operator (e.g. Turkish Airlines) will have all the records in English at the time of transfer? If the seller does not choose to contract for

an English conversion of the records, this becomes a requirement that will have to be done by the buyer of the aircraft before the aircraft can be transferred. In a number of instances where the records may be unclear, the new owner may consider it cheaper to do conformity inspections but under the proposed rule, the new owner would have to obtain an exemption to deviate from the regulation in order to put the aircraft into service. I know of no U.S. carrier now that is preparing records in a language other than English. Why then is this requirement needed? **This type of requirement should be harmonized first before it is adopted.**

(b)(4) The reference to *transferred* is a condition that may never happen. Parts are scrapped, airplanes are scrapped. I assume then, that under this provision, the records should be maintained as long as the aircraft, engine, part, etc. remains in the possession (inventory) of the owner/operator. This of course brings us back to the problems associated with "approved parts" as previously discussed. RAA reads this as requiring purchase records for virtually every part on every airplane (the only exception being *standard parts*; e.g. NAS bolts, resisters, etc.). The FAA SUPS group recently proposed a draft AC (21-29B) which attempts to define approved parts. The industry has submitted requests for major changes to this document. Since this NPRM is dependant on FAA policy of what constitutes an approved part, ARAC should not release this NPRM until we know what FAA policy on approved parts really is.

Sections 91.419 and 91.420

Many of the problems described in 21.7 and 91.417 apply to these provisions since they refer back to the earlier provisions. There is also not an "escape" from the requirements of the provisions such that if the records are not complete, both the buyer and seller are in non-compliance with the regulations. To request an exemption under such circumstances in order to complete the transfer would of course be very time-consuming. These are the type of regulations (administrative) where adding the phrase "in any manner acceptable to the Administrator" makes sense.